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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,328	04/26/2002	Klaus David Gradischnig	112740-391	6260

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EXAMINER

SCUDERI, PHILIP S

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/019,328

Applicant(s)

GRADISCHNIG ET AL.

Examiner

Philip S. Scuderi

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 April 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the protocol information" in line 4. There is insufficient antecedent basis for this limitation in the claim. The Examiner suggests "protocol information".

Claim 1 recites the limitation "the current information state" in lines 7-8. There is insufficient antecedent basis for this limitation in the claim. The Examiner suggests "a current information state".

Claim 2 recites the limitation "it cannot reconstruct" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim. The Examiner suggests "said protocol device cannot reconstruct".

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by *Computer Networks*, A.S. Tannenbaum, Prentice Hall 1996, hereinafter referred to as Tannenbaum.

With respect to claim 1, Tannenbaum discloses a protocol device in a protocol system for transmitting messages (p. 202 “In this model the data frames from A to B are intermixed with the acknowledgement frames from A to B.”, A represents a protocol device.), characterized in that the protocol device uses protocol information which is contained in a monitoring message received by it to determine whether this monitoring message contains information which is newer than a current information state in the protocol device, and updates, or does not update, its information state on the basis of this decision (p. 204 “When an acknowledgement comes in, the lower edge is advanced by one. In this way the window continuously maintains a list of unacknowledged frames.”).

With respect to claim 2, Tannenbaum discloses the protocol device applied to claim 1. Tannenbaum further discloses that said protocol device additionally successfully numbers those monitoring messages for which said protocol device cannot reconstruct the sequence of the received monitoring messages on the basis of said protocol information (p. 203 “In all sliding window protocols, each outbound frame contains a sequence number”, There are no monitoring messages for which said protocol device cannot reconstruct the sequence of the received monitoring messages on the basis of said protocol information because each outbound frame contains a sequence number.).

With respect to claim 3, Tannenbaum discloses the protocol device applied to claim 2. Tannenbaum further discloses that the monitoring messages are for flow monitoring (p. 203 “The

essence of all sliding window protocols is that at any instant of time, the sender maintains a set of sequence numbers corresponding to frames it is permitted to send.”).

### ***Conclusion***

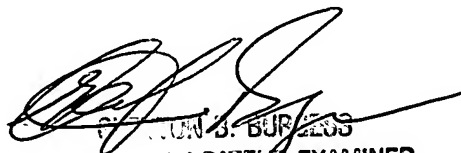
The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure: McKee et al. (US 5,477,531); Buchholz et al. (US 5,440,545); Chen et al. (US 5,793,976); Brailean et al. (US 6,134,237); and *Design principles and performance of SSCOP: a new adaptation layer protocol*, 1995, ACM Press.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip S. Scuderi whose telephone number is (571) 272-5865. The examiner can normally be reached on Monday-Friday 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PSS

  
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